



CABINET SCRUTINY COMMITTEE

***(IMMEDIATELY FOLLOWING THE JOINT MEETING OF THE CABINET
/ EDUCATION SKILLS AND CULTURE SCRUTINY COMMITTEES)***

WEDNESDAY, 21 OCTOBER 2020

VIA MICROSOFT TEAMS

All mobile telephones to be switched to silent for the duration of the meeting

Part 1

1. Declarations of Interests
2. Minutes of the Previous Meeting (*Pages 3 - 16*)
 - 2 September 2020
 - 17 September 2020
3. Pre-decision Scrutiny
 - To select appropriate items from the Cabinet agenda for pre-decision scrutiny (cabinet reports enclosed for Scrutiny Members)
4. Urgent Items
Any urgent items (whether public or exempt) at the discretion of the Chairman pursuant to Section 100B (4) (b) of the Local Government Act 1972

S.Phillips
Chief Executive

Committee Membership:

Chairperson: Councillor M.Harvey

**Vice
Chairperson:** Councillor S.Rahaman

Councillors: S.E.Freeguard, N.T.Hunt, S.K.Hunt, D.Keogh,
S.A.Knoyle, A.Llewelyn, S.Miller, R.Mizen,
J.D.Morgan, S.Paddison, L.M.Purcell, S.M.Penry,
S.H.Reynolds and A.N.Woolcock

Notes:

- (1) If Committee Members or non-Committee Members wish to have relevant items put on the agenda for future meetings, then please notify the Chief Executive/Chair eight days before the meeting.*
- (2) If non-Committee Members wish to attend for an item of interest, then prior notification needs to be given (by 12.00 noon on the day before the meeting). Non-Committee Members may speak but not vote, or move or second any motion.*
- (3) For pre scrutiny arrangements, the Chair will normally recommend forthcoming executive items for discussion/challenge. It is also open to Committee Members to request items to be raised - though Members are asked to be selective here in regard to important issues.*
- (4) The relevant Cabinet Board Members will also be invited to be present at the meeting for Scrutiny/ Consultation purposes.*
- (5) Would the Scrutiny Committee Members please bring the Cabinet Board papers with them to the meeting.*

Cabinet Scrutiny Committee

(Via Microsoft Teams)

Members Present:

2 September 2020

Chairperson: Councillor M.Harvey

Vice Chairperson: Councillor S.Rahaman

Councillors: S.E.Freeguard, N.T.Hunt, S.K.Hunt, S.A.Knoyle, A.Llewelyn, S.Miller, R.Mizen, J.D.Morgan, S.Paddison, L.M.Purcell, S.M.Penry, S.H.Reynolds and A.N.Woolcock

Officers In Attendance A.Evans, A.Jarrett, H.Jenkins, S.Phillips, C.Davies, C.Griffiths, K.Jones, T.Davies, S.Curran, S.Blewett, S.Brennan, N.Headon, N.Pearce, C.Plowman, M.Roberts, J.Woodman-Ralph and A.Manchipp

Cabinet Invitees: Councillors C.Clement-Williams, D.Jones, L.Jones, R.G.Jones, E.V.Latham, A.R.Lockyer, P.A.Rees, P.D.Richards and A.Wingrave

Observers: H.Neary

1. **Declarations of Interests**

The following member made a declaration of interest at the commencement of the meeting:

Councillor S.Rahaman	Re - Former Afan Lido Site (Exempt under Paragraph 14) as he has a family business next to the site.
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2. **Pre-decision Scrutiny**

The committee chose to scrutinise the following Cabinet Board items:

Budget Update and Monitoring

Members received an overview of the financial implications of Covid-19 on the Council's Financial Resources and 2020/21 Budget, as detailed within the circulated report.

It was highlighted that there was a mistake on page 4 of the report in which it states 'and we are awaiting WG confirmation relating to a further £1'; it was confirmed that the figure should be amended to £1.8m.

Officers stated that Welsh Government originally allocated £188.5m for local authorities to recover costs and loss of income through the Hardship Fund which was mainly to cover the period up to the end of June. It was noted that the Council had submitted claims for additional expenditure that was incurred (£4.133m) and were still waiting for confirmation on the reimbursement for the claim in July. Members were informed that since writing the report, Welsh Government had agreed to reimburse £409k free school meal costs and around £207k social services costs; therefore leaving a balance of around £156k of additional costs that Welsh Government had said they would not be refunding. It was mentioned that the majority of the remaining balance was additional ICT hardware costs that the Council had incurred, in which Welsh Government were only reimbursing 50% of costs and 25% of communications and media marketing costs.

The Committee noted that Welsh Government had reimbursed the Council £2.3m worth of lost income relating to parks, leisure centres, libraries, theatres, school meals, trade waste and parking; and that the Council had submitted a further request for £1.8m mainly relating to schools, Hillside, rent income from environment services and income from capital projects. It was highlighted that clarification was still needed on how Welsh Government were going to be reviewing the loss of income claims, however the report assumed that at this stage £400k of the £1.8m would be reimbursed.

Following this, it was confirmed that on 17th August 2020, Welsh Government announced an additional £264m of funding for Local Authorities to further mitigate against the financial impact of Covid-19 and as part of the announcement, they stated that £25m would be related to school cleaning. It was noted that as a consequence of this, the original projected £10m overspend that was reflected in the analysis of the report, was currently down to £5m projected overspend.

A discussion took place in relation to the progress of the financial forward planning and lost income payments. It was stated that there was no guarantee from the UK Treasury and Government of further consequential payments coming forward, therefore Welsh Government could not guarantee any further lost income payments; however they were paying majority of the claims and were efficiently monitoring. It was mentioned that the Council would need to start looking at their own council tax setting, in which there had been some additional money for council tax relief schemes; it was added that the Council would have a better idea in the next few months of the potential reserves that would need to be taken out in order to fill the budget gap for this year. Members were informed that Officers would start to look at next year's budget over the next 2 months and would be bringing back considerations for Members in October; it was mentioned that the UK Government was carrying out spending reviews to try and identify the amount of resources available for 2021/22 and into subsequent years, which would be a critical part of future budgets.

In relation to the loss of income in Hillside, Members asked if Officers had received further inclination whether support was going to be provided. It was noted that Hillside had an overspend of £803k; the Council had asked for the first quarter (£467k) from Welsh Government, additional to the £2m that they had made available to invest in improving the facilities at Hillside. It was added that some of that money would have been needed to offset the unavailability of two rooms whilst they were being upgraded and that some support had been provided within the £2m due to some of the restrictions from Covid-19 that was causing the projected overspend. Officers confirmed that Welsh Government had yet to review this particular issue as yet, but hope that they would do this in the near future and following this Officers would inform Members as part of the next budget monitoring report.

Detailed within the circulated report it stated that Hillside had a block contract with the Youth Custody Service (YCS) which guaranteed payment for 6 beds. Members asked if YCS were still paying for these 6 beds, to which Officers confirmed that they were, and even though not all of them would be used at all times, they were paying for the guaranteed availability of the beds which had been factored into the income streams for the year. It was noted that Officers were expecting Welsh Government to reimburse the money to Hillside and

that it was important to continue to pressure this to happen as the Council doesn't make a profit or generate income from Hillside.

Members asked for Officers to clarify what liability order receipts were, as these were mentioned in the circulated report. It was confirmed that when someone hasn't paid council tax and/or business rates, a liability order could be granted by the courts to the Council, which adds a fee onto the outstanding bill.

It was noted that some streams of income had been reintroduced from September such as car parking charges and pupils school meals, which would be taken into account and further built into projections through the rest of the year.

In relation to council tax support, it was highlighted that Welsh Government announced that £2.85m would be made available to fund the additional number of claims and costs of council tax support paid out by Councils for the first quarter of this year; Officers estimated that the value of Neath Port Talbots share would be roughly £120k, which hadn't been factored into the report.

A discussion took place in relation to the council tax support claimants (CTRS) and whether the assumptions built into the report, where it states increased costs arising from CTRS of £529k over budget which could increase to £1m plus during the remainder of 2020/21, included the ending of the furlough scheme and the inevitable redundancies and unemployment which may be caused as a result of that. Officers highlighted that the council tax collection and council tax support cost could increase substantially should furlough result in more job losses when it comes to an end, however as previously mentioned the Welsh Government would be reimbursing Councils cross Wales and the exact figure for Neath Port Talbot Council was still to be confirmed.

Members were informed that Welsh Government were not funding local decisions, therefore if Neath Port Talbot decided as a Council to do something that wasn't being told for all Councils to do by the Welsh Government then consideration would need to be taken for the costs, an example of this was the purchasing of face masks.

The Committee thanked all employees within the Finance Directorate for their continued hard work during the Covid-19 pandemic.

Following scrutiny, the committee was supportive of the proposals to be considered by cabinet.

3. **Access to Meetings**

RESOLVED: that pursuant to Section 100A(4) and (5) of the Local Government Act 1972, the public be excluded for the following item of business which involved the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A to the above Act.

4. **Pre-Decision Scrutiny of Private Item/s**

The committee chose to scrutinise the following Cabinet Board private items:

Former Afan Lido Site

Members received information on the former Afan Lido Site as detailed within the circulated private report.

Following scrutiny, the committee was supportive of the proposals to be considered by Cabinet.

CHAIRPERSON

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Cabinet Scrutiny Committee

(Remotely via Microsoft Teams)

Members Present:

17 September 2020

Chairperson: Councillor M.Harvey

Vice Chairperson: Councillor S.Rahaman

Councillors: S.E.Freeguard, N.T.Hunt, S.K.Hunt, A.Llewelyn, S.Miller, R.Mizen, J.D.Morgan, S.Paddison, L.M.Purcell, S.M.Penry, S.H.Reynolds and A.N.Woolcock

Officers In Attendance A.Evans, A.Jarrett, H.Jenkins, S.Phillips, C.Davies, C.Griffiths, K.Jones, C.Furrow-Harris, T.Davies, R.Headon, S.Blewett, C.Plowman, N.Pearce and J.Woodman-Ralph

Cabinet Invitees: Councillors C.Clement-Williams, D.Jones, L.Jones, R.G.Jones, E.V.Latham, P.A.Rees, P.D.Richards and A.Wingrave

1. **Declarations of Interests**

The following members made a declaration of interest at the commencement of the meeting:

Councillor P.Richards Re the Council Representation on Outside Bodies as he is the Councils representative for Neath Port Talbot Care and Repair.

Councillor S.Rahaman Re the Council Representation on Outside Bodies as he is one of the Councils representatives for Neath Port Talbot Black Minority Ethnic (BME) Community Association and is currently the secretary of the Association.

Councillor S.Reynolds	Re the Tai Tarian Representation Changes as she is the Councils representative on the Tai Tarian voluntary board.
Councillor D.Jones	Re the Council Representation on Outside Bodies as she is one of the Councils representatives for Neath Port Talbot Black Minority Ethnic (BME) Community Association and sits on the board for Neath Port Talbot Council for Voluntary Service (NPTCVS) in an independent capacity.
Councillor S.Penry	Re the Council Representation on Outside Bodies as she is one of the Councils representatives for Neath Port Talbot Council for Voluntary Service (NPTCVS).
Councillor L.Jones	Re the Council Representation on Outside Bodies as she is one of the Councils representatives for Neath Port Talbot Black Minority Ethnic (BME) Community Association.
Councillor N.Hunt	Re the Council Representation on Outside Bodies as he sits on the board of Port Talbot Business Improvement District (BID) in an independent capacity.

2. **Pre-decision Scrutiny**

The committee scrutinised the following cabinet items:

Strategic Equality Plan 2020-2024

It was clarified that the Strategic Equality Plan 2020-2024 was being delivered to Members in two parts:

- Part one – the strategic equality objectives and all the other relevant information that was required to be included within the plan to ensure the Council met all of the equality regulations. It

was mentioned that the commission was asking that all strategic equality plans be in place by October.

It was noted that work needed to be completed on the actions that will underpin the delivery of the objectives contained within the circulated report; this work had already started, with discussions taking place within the BME Association and amongst staff, and would form an action plan.

- Part two – the action plan for achieving the objectives which will be presented to Cabinet Scrutiny Committee towards the end of the year.

Members suggested that going forward when individuals applied for a position within the Council, a number be applied to their application instead of their name to remove any links to gender, ethnicity etc. It was noted that this could be discussed in the second part of the delivery of the strategic equality plan, when the actions would be presented.

Detailed within the circulated report, it quoted 'as a non-Welsh person living and working in Wales, I already feel discriminated against by Welsh Government policy and practice'. Members asked if the individual had given any more specific details in relation to their concerns. It was noted that no further detail was provided, however Officers would try and determine what else the Council could be doing and further information that could be collected in future consultation exercises.

Following scrutiny, the committee was supportive of the proposals to be considered by cabinet.

Council Representation on Outside Bodies

(Cllr S.Rahaman re-affirmed his interest at this point and withdrew from the meeting)

(Cllr P.Richards re-affirmed his interest at this point and withdrew from the meeting)

(Cllr D.Jones re-affirmed her interest at this point and withdrew from the meeting)

(Cllr N.Hunt re-affirmed his interest at this point and withdrew from the meeting)

The Committee received a report on the Council Representation on Outside Bodies to consider the benefits and drawbacks of Members being formally part of the voluntary boards of a selection of Organisations. Officers had proposed alternatives to the arrangement to protect Members against the conflicts of interest that would arise in relation to continuing with the current arrangements.

It was highlighted that there was no specific guidance from the WLGA on this matter, and instead it was for individual Councils to make a determination as to what arrangements should be put in place and what role they anticipated their Members to have in the community.

In relation to what other Councils had done, it was noted that there was a number of Councils where Members did not sit on any boards and other Councils where they did, which was managed via the conflict of interest route. Officers stated that Neath Port Talbot Council wanted to ensure that Members had the ability to be able to speak, vote and make representation on any matter within their role as a County Borough Councillor and would not be prejudiced in any way from sitting on some of the boards, where they would have to act in their interest as well. It was noted that managing the interest going forward was important and as well as identifying how it could be controlled with different mechanisms; these mechanisms could allow Members to have a level of control and access to information so that their role as a Country Borough Councillor was not diluted and they could make decisions in relation to what is happening within the community, without having a Member sit on the board.

Some Members felt that they had more advantages being able to be part of the organisations than not, due to the powers and influence they would be relinquishing. It was mentioned that the Council was able to function even if a Member had to withdraw from a meeting. Officers noted that as an alternative, Members could discuss their specific issue with an Officer within the Council to exercise the measures that would be available under the contractual and grant arrangements, to be able to acquire the information and resolve the particular queries as and when they develop.

It was clarified that when Members were appointed by Council to sit on outside bodies they no longer represent the Council, instead their interest must solely lie with the outside bodies in which they were

appointed. It was added that Members did not sit on the boards to try and influence that organisation, they were there to represent them.

Members asked whether the Council could have a discussion with the organisations, to propose that in place of having full board representation nominated by Council, that they have observer status. It was highlighted that this could be a way of ensuring that the involvement and experience of local Members could still be contributed without the organisation or Members being compromised by having conflicts of interests.

Concern was expressed in relation to disenfranchising the Council from the outside bodies that it funds and a suggestion was made of having non-voting observers on the boards to ensure that internal scrutiny could take place on the utilisation of the funding.

Officers highlighted that there were a numbers of ways in which the Council could ensure Members continued to have oversight of discussions and procedures in the outside bodies board meetings; as it was mentioned earlier, the Council had grant agreements and contract arrangements in place which enabled Officers and Members to have sight of documents such as business plans, statements of accounts and monitoring reports. It was noted that arrangements could be made for Members to receive regular reports on the Councils investment and if there were other opportunities for Members to be involved in the outside bodies, this could be explored further. It was added that the Council had a compact arrangement with the voluntary sector more generally and there was scope within those partnerships, to look at how the Council works with those bodies.

It was mentioned that Members could still choose to sit on a board in a personal capacity instead of being allocated to do so by the Council, however they would need to be mindful of the conflicts of interest.

A discussion took place in relation to the wording of the recommendations contained within the circulated report, in particular the list of outside bodies detailed in the recommendation. It was confirmed that Officers went through the list of outside bodies where Council currently made nominations and the outside bodies the Council currently funded but where nominations were made on a voluntary basis, and included them in the report. It was added that the

new policy highlighted that the Council wouldn't be seeking to make these nominations going forward for these particular organisations.

A formal amendment to the recommendation contained within the circulated report was proposed and seconded:-

'It is recommended that Officers investigate the possibility of observers being appointed to the boards of organisations where Neath Port Talbot Council have withdrawn representatives from the boards referenced within the recommendation'

A roll call was undertaken for the purposes of determining the vote; the amendment fell as a result of the roll call.

The Cabinet Scrutiny Committee then proposed and seconded the initial proposals contained within the report:-

- It is recommended that Neath Port Talbot County Borough Council no longer nominates representatives to the boards of organisations funded by the Council and where participation in the boards of those organisations is voluntary.
- That Neath Port Talbot Council for Voluntary Services, Neath Port Talbot Care and Repair, Neath Business Improvement District, Port Talbot Business Improvement District and The Neath Port Talbot Black and Ethnic Minority Community Association are notified that, subject to recommendation 1 being agreed, that the current Council appointees wish to resign from these Organisations and from the date of such resignation, Neath Port Talbot County Borough Council no longer propose to appoint elected member representatives to these Organisations.

Following scrutiny, the Committee was supportive of the proposals to be considered by the Cabinet Board.

(Cllr S.Rahaman, Cllr P.Richards, Cllr D.Jones and Cllr N.Hunt were welcomed back into the meeting)

Tai Tarian Representation Changes

A report in relation to the removal of Elected Members from the voluntary board of Tai Tarian Limited was presented to the Committee.

Members asked for assurance that Tai Tarian would still be held to account without local Member representation on the board, to ensure that the needs of the community were being met and asked for a comparison with accountability arrangements for stock transfer mutual associations in other local authority areas.

Officers informed the Committee of the very detailed transfer agreement that Neath Port Talbot Council had with Tai Tarian which was put together at the time of the housing stock transfer in 2011; this transfer agreement was still valid and contained a number of legal obligations which Tai Tarian had to comply with, and there were also some contractual obligations that the Council had to comply with. It was noted that there were frameworks and mechanisms in place to ensure Tai Tarian and the Council worked together to meet common goals, and if either party didn't comply there were both informal and formal processes in place under the contract to hold people to account, including the referral to dispute resolution and court action. It was added that Members also had the opportunity to invite Tai Tarian to scrutiny.

A discussion took place in relation to obtaining observer status on the voluntary board of Tai Tarian. Officers clarified that the provision within the transfer agreement is that the Council may nominate Members if they wish to do so and that there is no compulsion at this stage under the agreement.

It was detailed within the circulated report that the transfer agreement no longer stipulated that Tai Tarian must attend scrutiny committees, but instead an invite could be extended; Members asked if this had always been the case, to which Officers stated that under the terms of the transfer agreement there was an obligation on Tai Tarian to attend any scrutiny committees that the Council would hold for six years from the date of transfer, however the six years expired in 2017, so there was no longer any compulsion on them to attend any scrutiny committees.

Members expressed their concerns in relation to accountability and the Councils relationship with Tai Tarian moving forward. Officers highlighted that if a Member had a specific issue they were dealing with on behalf of a constituent, they would be entitled to raise it with Tai Tarian; alternatively if Members had difficulty with getting in contact and/or progressing issues with Tai Tarian, they could raise it with an Officer of the Council who could identify if the issue could be dealt with via any mechanisms under the transfer agreement.

A formal amendment to the recommendation contained within the circulated report was proposed and seconded:-

'It is recommended that Neath Port Talbot Council request Tai Tarian to accept Council observers in place of formal board members'

A roll call was undertaken for the purposes of determining the vote; the amendment fell as a result of the roll call.

The Cabinet Scrutiny Committee then proposed and seconded the initial proposals contained within the report, with the change of the word 'allocated' replacing the word 'two':-

- It is recommended that Neath Port Talbot County Borough Council notify Tai Tarian Limited that its two allocated member appointments wish to resign from the voluntary board and from the date of such resignation, Neath Port Talbot County Borough Council no longer propose to appoint elected member representatives to the voluntary board of Tai Tarian Limited

Following scrutiny, the Committee was supportive of the proposals to be considered by the Cabinet Board

CHAIRPERSON